

PROGRAM NARRATIVE**401 Office of the Insurance Commissioner****Date:** 01/13/2011**Time:** 11:28:57**Program:** Grants To Local Fire Departments**Reporting level:** 00-401-035-00-00-00-00-00000000**Program Performance Measures**

Accurately calculating payments to fire departments and fire protection districts based on the required funding formula and issuing payments by September 30th of each year.

Program Statistical Data

North Dakota currently has 372 fire departments and fire protection districts that receive annual funding from the appropriated insurance premium tax.

Explanation of Program Costs

Two annual payments of \$3.1 million (appropriated amount) are distributed from the Insurance Tax Distribution Fund to the fire departments and fire protection districts based on their proportionate market share of the total premium dollars sold as reported to the Department. Two annual payments are distributed from the Insurance Tax Distribution Fund to the North Dakota Firefighters Association.

Program Goals and Objectives

To provide annual funding to the city fire departments, rural fire protection districts and the North Dakota Firefighters Association.

REQUEST DETAIL BY PROGRAM

401 Office of the Insurance Commissioner

Biennium: 2011-2013

Bill#: SB2010

Date: 01/13/2011

Time: 11:28:57

Program: Grants To Local Fire Departments**Reporting Level:** 00-401-035-00-00-00-00000000

Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Request 2011-2013
Grants to Fire Districts					
Grants, Benefits & Claims	6,320,000	6,820,000	0	6,820,000	0
Total	6,320,000	6,820,000	0	6,820,000	0
Grants to Fire Districts					
General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	6,320,000	6,820,000	0	6,820,000	0
Total	6,320,000	6,820,000	0	6,820,000	0
Total Expenditures	6,320,000	6,820,000	0	6,820,000	0
Funding Sources					
Special Funds					
240 Insurance Tax Distrib. Fund 240	6,320,000	6,820,000	0	6,820,000	0
Total	6,320,000	6,820,000	0	6,820,000	0
Total Funding Sources	6,320,000	6,820,000	0	6,820,000	0

CHANGE PACKAGE DETAIL

401 Office of the Insurance Commissioner
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Program: Grants To Local Fire Departments				Reporting Level: 00-401-035-00-00-00-00000000			
Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds	

Base Budget Changes**Ongoing Budget Changes****Total Ongoing Budget Changes****Total Base Budget Changes**

0.00	0	0	0	0	0
0.00	0	0	0	0	0

PROGRAM NARRATIVE**401 Office of the Insurance Commissioner****Date:** 01/13/2011**Time:** 11:28:57**Program:** Regulatory and Administration**Reporting level:** 00-401-100-00-00-00-00000000**Program Performance Measures****Legal and Enforcement Division**

Advise the Commissioner and Department staff on legal issues in an accurate, efficient and effective manner. The Legal Division seeks to respond to staff and the public immediately on critical time urgent issues; within 48 hours on less complicated, less urgent issues; and within 10 working days on complex issues that require significant research and analysis. These goals are measured by the positive response that is received from the Commissioner and Insurance Department staff, consumers and industry regarding Legal Division responsiveness to requests for information and resolution of issues. The Division is also responsible to conduct investigations of fraud, improper selling and marketing activities and to make sure all insurance producers and companies are complying with the applicable insurance laws and administrative rules.

Examinations and Company Licensing Division

Review and approve company license applications, issue certificates of authority, process yearly license renewals, collect fees and maintain a company licensing database. Perform ongoing financial analysis of domestic companies' annual and quarterly statements and other required filings in conformity with the National Association of Insurance Commissioners' accreditation standards.

Property and Casualty Division

Complete 96 percent of policy, rate and form filings within the statutory review period of 60 days. To complete 65 percent of complaints within 60 days. The basis for determining this will be from the SBS Complaints system database. Publish annual market analysis and statistical reports. Publish consumer educational material as needed.

Agency Licensing Division

Provide timely and accurate information to agents, companies, legislators and the general public on all licensing matters by utilizing and enhancing the Department's website and other outreach efforts. Continue to utilize and implement new electronic initiatives in an effort to further improve and enhance the electronic licensing and renewal processes for agents licensed to do business in North Dakota. To maintain a timely workflow process for licensing and renewal processing for agents and companies.

Life and Health Division

The goal for form and rate filings is to have fewer than 50 outstanding filings per analyst; and to have no filing outstanding for more than 60 days. The goal for the hotline is to return calls within one day. The goal for handling formal complaints is to have 60 percent completed within a 45 day time frame.

Consumer Assistance Division

Respond to all phone calls within 24 hours and assist walk-in customers immediately. Prescription Connection Program – Effectively promote the program to potential consumers. Track and report consumers assisted and impact annually. State Health Insurance Counseling Program – Plan, schedule and provide outreach and education activities targeting Medicare beneficiaries. Provide direct assistance to beneficiaries enrolling in Medicare Part D plans. Recruit, maintain and train volunteers to assist the program. Apply for and maintain federal grants related to assisting consumers.

Fire and Tornado Fund

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Contact policyholder within 24 hours of notice of loss. Set a reserve as close as possible to the claim value/loss. Refer notice of loss within 24 hours of receipt to adjuster for action/investigation. Review at a minimum every 30 days for claim completion/resolution. Process claim payment within 24 hours of receiving signed proof of loss. Review and update insurance limits regularly. Request completion of claim handling survey. Follow state laws and regulations in administering the fund.

Petroleum Tank Release Compensation Fund

Contact tank owner/operator within 24 hours of notice of claim application. Set a reserve as close as possible to the claim value/loss. Contact Department of Health within 24 hours of claim application. Send tank owner/operator within 24 hours of receipt of claim application guidelines for hiring excavators and environmental consultants. Schedule investigation of claim to establish how loss occurred and responsible party. Review at minimum every 30 days for claim completion/resolution. Process claim payment within 24 hours of receiving signed proof of loss. Follow state laws and regulations in administering the fund.

State Bonding Fund

Contact bondholder within 24 hours of notice of claim. Set a reserve as close as possible to the probable claim value/loss. Refer notice of claim within 24 hours of receipt to the Office of State Auditor for investigation. Process judgment for order granting claim within 24 hours of receipt. Process claim payment within 24 hours of receiving the signed order granting claim. Contact the clerk of court for restitution/recovery within two weeks of issuing payment. Review recovery every six months. Review regularly (at least every two years) for adequate bond limits. Follow state laws and regulations in administering the fund.

Program Statistical Data**Legal and Enforcement Division**

The Legal Division serves the Commissioner and Insurance Department staff on legal issues as they are presented. In 2008, agent and company administrative fines were \$25,795 and in 2009 the fines were \$74,389. The agent and company administrative investigation consumer relief was \$353,133 for 2008 and \$14,556 for 2009.

Examinations and Company Licensing Division

At year end 2008, the Department had 1,366 licensed insurance companies, of which 39 are domestic companies. Registered entities totaled 765 at year end. For the fiscal year ending June 30, 2008, the Division completed and issued 9 reports of examination. The financial analysis and examination functions are subject to a comprehensive peer review every five years by the National Association of Insurance Commissioners (NAIC) to determine compliance with its accreditation program. An Interim Annual Report is filed with the NAIC's Accreditation Manager in May of every year providing a detailed status report of the Division's activities. No exceptions to the accreditation standards were noted in the May 2010 Interim Annual Report.

Property and Casualty Division

Property casualty policy, rate and form filings processed for the years 2008 and 2009 totaled 6,802 filings. Property casualty company consumer complaint volume for the years 2008 and 2009 totaled 374 with a total financial relief to consumers of \$1,448,443.39. The annual Property Casualty Market Analysis and a Statistical report were published in 2008 and 2009.

Agent Licensing Division

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The total number of resident and nonresident agents as of December 31, 2008 was 52,869. The total number of resident and nonresident agents as of December 31, 2009 was 53,628.

Life and Health Division

During the calendar years 2008 and 2009, the hotline desk received/made 20,199 calls, and saw 350 walk-ins. 108 formal complaints against companies were closed. The total relief to consumers was \$363,830. During calendar years 2008 and 2009, policy analysts reviewed 4,995 form and/or rate filings.

Consumer Assistance Division

Prescription Connection, a program to assist people to connect with programs offered by pharmaceutical manufacturers to obtain free or discounted prescription medications, was started on December 1, 2003. During the calendar years 2008 and 2009, requests for prescription assistance were received from 1,785 North Dakotans through our toll-free phone number. In addition, approximately 4,800 matches were made directly through the Prescription Connection website. The estimated relief to consumers was approximately \$4.2 million.

As of December 31, 2009, there were 96 program counselors working with Prescription Connection and the State Health Insurance Counseling (SHIC) programs. During the calendar years 2008 and 2009, there were 230 Medicare-related events, including presentations, booths and training/educational activities. The SHIC program assisted 34,436 Medicare beneficiaries during the calendar years 2008 and 2009.

Fire and Tornado Fund

The State Fire and Tornado Fund has provided affordable property insurance coverage for the State of North Dakota and its political subdivisions since 1919. There are 1,087 policyholders with 9,102 building property locations, 6,324 personal property locations, 4,251 outdoor property locations, and 70 trailer property locations for a combined insured value of \$9.6 billion. The Boiler and Pressure Vessel Inspection program was created by the 1953 Legislative Assembly. This safety program provides mechanical inspections of boilers and pressure vessels and their components. There are approximately 9,164 boilers of all types in business, industries and large apartment buildings. The Anhydrous Ammonia Facility Inspection program was created by the 1995 Legislative Assembly. This safety program provides mechanical inspections of storage containers and nurse tanks and their components. There are approximately 404 permanent storage tanks and 10,000 nurse tanks in the state.

Petroleum Release Compensation Fund

Created by the 1989 Legislative Assembly, this program provides contaminated clean-up coverage and third-party liability coverage to petroleum tank owner and/or operators. Tank owners must be in compliance with all federal and state regulations, including regulations relating to financial responsibility in order to participate in this Fund. There are approximately 1,609 registered sites that pay an annual registration fee for approximately 5,495 tanks.

State Bonding Fund

The State Bonding Fund has provided fidelity blanket fund coverage to the State and its political subdivisions since 1915. This coverage is provided at no cost to the bondholder. The bond covers for loss of money and other board members, city council members and county commissioners. There are 2,969 bondholders with approximately \$599,790,026 in coverage in force.

PROGRAM NARRATIVE**401 Office of the Insurance Commissioner****Date:** 01/13/2011**Time:** 11:28:57**Program:** Regulatory and Administration**Reporting level:** 00-401-100-00-00-00-00000000**Explanation of Program Costs****Legal and Enforcement Division**

The Legal and Enforcement Division consists of five full time employees including: general counsel, legal counsel, legal assistant, attorney/market conduct examiner, and fraud investigator. Division expenses pertain to salaries and benefits, general operating expenses, computer upgrades, system enhancements, professional development and related travel.

Examinations and Company Licensing Division

The division consists of five full time and one part-time staff: chief examiner, supervising examiner, two junior examiners, financial analyst and a part-time company licensing clerk. The supervising examiner position was filled in July 2010. Division expenses pertain to salaries and benefits, general operating expenses, computer upgrades, system enhancements, professional development and related travel. Examiners' out-of-pocket travel expenses for conducting an examination are reimbursed directly to the examiners by the insurance company as authorized under N.D.C.C. Section 26.1-03-19.6. The examined company also remits payment to the Department to compensate for the examiners' salary and benefits and for any state fleet costs. These funds are paid into the Insurance Regulatory Trust fund.

Property and Casualty Division

The Property and Casualty Division consists of three full time employees: director/senior analyst, property casualty actuary, and property casualty claims investigator. Division expenses pertain to salaries and benefits, general operating expenses, computer upgrades, system enhancements, professional development and related travel.

Agent Licensing Division

The division consists of three full time and one half-time staff: licensing supervisor, two agent licensing specialists, and one part-time continuing education specialist. Division expenses pertain to salaries and benefits, general operating expenses, computer upgrades, system enhancements, professional development and related travel.

Life and Health Division

The Life and Health Division includes: director, three policy analysts, one consumer inquiry specialist, and one complaint investigator. Division expenses pertain to salaries and benefits, general operating expenses, computer upgrades, system enhancements, professional development and related travel.

Consumer Assistance Division

The Consumer Assistance Division consists of a director, a program administrator, a program assistant and a consumer assistance investigator. Division expenses consist of salaries and benefits, general operating expenses, computer upgrades, system enhancements, professional development and related travel. State Health Insurance Counseling program costs are funded by a federal grant from the Centers for Medicare and Medicaid Services.

State Fire and Tornado Fund

The division includes a director, chief boiler inspector, two boiler inspectors, underwriter, appraiser, secretary, and one part-time administrative clerk. Budget expenses are for salaries and benefits, general operating expenses, system maintenance and enhancements, professional development, and program related travel costs. Investigation and claim costs are allocated loss expenses and paid directly out of the surplus.

PROGRAM NARRATIVE**401 Office of the Insurance Commissioner****Date:** 01/13/2011**Time:** 11:28:57**Program:** Regulatory and Administration**Reporting level:** 00-401-100-00-00-00-00000000**Petroleum Tank Release Compensation Fund**

The division includes part of the salaries and benefits for the Special Funds Division Director and the secretary. Budget expenses are for salaries and benefits, general operating expenses, system maintenance and enhancements, professional development and program related travel costs. Investigation and claim costs are allocated loss expenses and paid directly out of surplus.

State Bonding Fund

The division includes part of the salaries and benefits for the Special Funds Division Director and the secretary. Budget expenses are for salaries and benefits, general operating expenses, system maintenance and enhancements, professional development and program related travel costs. Investigation and claim costs are allocated loss expenses and paid directly out of surplus.

Program Goals and Objectives**Legal and Enforcement Division**

Advise Insurance Department staff and Commissioner on a regular basis regarding application and interpretation of insurance laws, rules and policy provisions; prepare memoranda on legal issues and prepare correspondence as necessary. Initiate and follow through with administrative action against producer and company licenses and investigate and refer fraudulent insurance activities for criminal prosecution. Adopt administrative rules including conducting hearings, draft proposed legislation, and prepare bulletins, and testify before legislative committees. Conduct company and producer market conduct examinations and prepare company market analysis studies and consult with Commissioner and Insurance Department staff as necessary. Assist with the administration of Special Funds by reviewing and resolving claims against the Unsatisfied Judgment Fund and Bonding Fund; providing legal advice and assistance to the Fire and Tornado Fund and Petroleum Tank Release Compensation Fund; assist the Boiler Inspection Program with enforcement and assist with collection of fees. The Division is also responsible to conduct investigations of fraud, improper selling or marketing activities and to make sure all producers and companies are complying with applicable insurance laws. Represent the Department in adjudicative proceeding including administrative hearings, district courts and appellate courts as necessary.

Examinations and Company Licensing Division

To protect insurance consumers of North Dakota by licensing insurance companies and registering qualified entities to transact business in the state. Monitor the financial strength of insurance companies on an on-going basis to ensure they have funds to pay policyholder claims and perform periodic financial audits of North Dakota domiciled companies to substantiate that they are financially sound and complying with state laws.

Property and Casualty Division

To protect insurance consumers of North Dakota by reviewing the policy, rate and form filings for compliance with State law, actuarial principles and reasonableness before approving for use in North Dakota. To assist consumers who have complaints against or disputes with property casualty insurance companies over claims or coverage issues in a timely manner. To provide analysis of property casualty insurance markets, statistics and issues to consumers, industry, state agencies and the legislature. To provide consumer education materials on insurance topics of importance.

Agent Licensing Division

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To carry out the issuing, renewal and on-going processing for agents, surplus lines, consultants, third party administrators and viatical settlement brokers and to monitor licensees for compliance of the required continuing education credits.

Life and Health Division

To protect insurance consumers of North Dakota by reviewing the policy, rate and form filings for compliance with State law, actuarial principles and reasonableness before approving for use in North Dakota. To assist consumers who have complaints against or disputes with life and health insurance companies over claims or coverage issues in a timely manner. To provide analysis of life and health insurance markets, statistics and issues to consumers, industry, state agencies and the legislature. To provide consumer education materials on insurance topics of importance.

Consumer Assistance Division

Assist and educate Medicare beneficiaries who have questions about Medicare, Medicare Prescription Drug coverage, Medicare Advantage Plans, Medicare Supplement insurance and Long-Term Care insurance. Assist Medicare beneficiaries who request help applying for prescription drug assistance programs available from pharmaceutical manufacturers. To build and maintain a strong, educated group of volunteers across North Dakota.

Fire and Tornado Fund

To provide affordable property insurance coverage and inspections services and to handle the needs of our customers the right way, the first time, accurately, fairly and timely, and always with the benefit of prevention, safety and education.

Petroleum Tank Release Compensation Fund

To provide affordable pollution liability insurance coverage to all petroleum tank owners and operators that the law requires them to maintain for financial responsibility of a petroleum release from a tank and its piping. To handle the needs of our customers the right way, the first time, accurately, fairly and timely, and always with the benefit of prevention, safety and education.

State Bonding Fund

To protect a covered entity against theft of money and property by an employee and to educate bondholders on the importance of having sufficient financial controls and safeguards in place to minimize the opportunity for theft.

REQUEST DETAIL BY PROGRAM

401 Office of the Insurance Commissioner

Bill#: SB2010

Date: 01/13/2011

Time: 11:28:57

Biennium: 2011-2013

Program: Regulatory and Administration		Reporting Level: 00-401-100-00-00-00-00000000			
Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Request 2011-2013
Salaries and Wages					
Salaries - Permanent	3,664,953	4,780,445	(62,333)	4,718,112	874,004
Salaries - Other	0	0	12,000	12,000	0
Temporary Salaries	36,118	29,904	77,674	107,578	0
Overtime	35	554	(554)	0	0
Fringe Benefits	1,208,900	1,657,633	2,672	1,660,305	309,828
Total	4,910,006	6,468,536	29,459	6,497,995	1,183,832
Salaries and Wages					
General Fund	0	0	0	0	0
Federal Funds	218,056	325,085	170,355	495,440	581,364
Special Funds	4,691,950	6,143,451	(140,896)	6,002,555	602,468
Total	4,910,006	6,468,536	29,459	6,497,995	1,183,832
Operating Expenses					
Travel	238,889	345,510	6,450	351,960	60,000
Supplies - IT Software	59,607	70,200	51,791	121,991	37,400
Supply/Material-Professional	27,287	18,400	3,450	21,850	9,900
Food and Clothing	62	3,600	(1,500)	2,100	270
Miscellaneous Supplies	13,324	51,302	(21,887)	29,415	9,600
Office Supplies	27,608	33,399	1,101	34,500	17,520
Postage	103,851	115,436	(2,036)	113,400	24,680
Printing	94,770	122,925	(21,925)	101,000	35,000
IT Equip Under \$5,000	50,178	40,800	6,980	47,780	25,490
Other Equip Under \$5,000	4,892	108	0	108	0
Office Equip & Furn Supplies	19,456	25,192	(4,700)	20,492	122,400
Insurance	16,991	41,550	(16,570)	24,980	12,120
Rentals/Leases-Equip & Other	15,963	25,550	(2,390)	23,160	12,000
Rentals/Leases - Bldg/Land	222,408	222,600	54,818	277,418	96,000
Repairs	180	1,700	300	2,000	240
IT - Data Processing	255,640	375,000	(89,572)	285,428	27,600
IT - Communications	74,469	85,000	9,979	94,979	33,600
IT Contractual Svcs and Rprs	23,834	15,200	7,900	23,100	37,200
Professional Development	43,748	76,529	(10,244)	66,285	21,600
Operating Fees and Services	109,130	225,640	(64,441)	161,199	106,569
Fees - Professional Services	112,456	167,623	92,496	260,119	1,072,000
Non-Operating Expenses	500,000	0	0	0	0
Total	2,014,743	2,063,264	0	2,063,264	1,761,189

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Biennium: 2011-2013

Program: Regulatory and Administration		Reporting Level: 00-401-100-00-00-00-00000000			
Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Request 2011-2013
Operating Expenses					
General Fund	0	0	0	0	0
Federal Funds	279,200	311,211	6,098	317,309	1,368,636
Special Funds	1,735,543	1,752,053	(6,098)	1,745,955	392,553
Total	2,014,743	2,063,264	0	2,063,264	1,761,189
Capital Assets					
IT Equip/Sftware Over \$5000	0	170,000	(150,000)	20,000	50,000
Total	0	170,000	(150,000)	20,000	50,000
Capital Assets					
General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	50,000
Special Funds	0	170,000	(10,000)	20,000	0
Total	0	170,000	(150,000)	20,000	50,000
Technology Project Carryover					
IT Equip/Sftware Over \$5000	0	25,000	(25,000)	0	0
Total	0	25,000	(25,000)	0	0
Technology Project Carryover					
General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	0	25,000	(25,000)	0	0
Total	0	25,000	(25,000)	0	0
Grants to Fire Districts					
Grants, Benefits & Claims	170,000	170,000	0	170,000	0
Total	170,000	170,000	0	170,000	0
Grants to Fire Districts					
General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	170,000	170,000	0	170,000	0
Total	170,000	170,000	0	170,000	0
Total Expenditures	7,094,749	8,896,800	(5,541)	8,751,259	2,995,021

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Program: Regulatory and Administration	Reporting Level: 00-401-100-00-00-00-00000000
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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Request 2011-2013
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Funding Sources**Federal Funds**

R051 Health Insurance Premium Review	0	0	0	0	2,000,000
R052 State Health Insurance Counseling	497,256	636,296	176,453	812,749	0
Total	497,256	636,296	176,453	812,749	2,000,000

Special Funds

209 Unsatisfied Judgement Fund 209	10,871	24,087	1,960	26,047	0
210 State Bonding Fund 210	34,168	41,518	3,596	45,114	0
211 State Fire & Tornado Fund 211	1,288,881	1,626,267	69,935	1,556,202	0
233 Petroleum Rel. Comp. Fund 233	77,039	96,238	(217)	96,021	0
239 Insurance Reg. Trust Fund 239	5,186,534	6,472,394	(257,268)	6,215,126	995,021
Total	6,597,493	8,260,504	(181,994)	7,938,510	995,021

Total Funding Sources

7,094,749	8,896,800	(5,541)	8,751,259	2,995,021
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FTE Employees

46.50	45.50	0.00	45.50	9.00
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CHANGE PACKAGE DETAIL

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 Biennium: 2011-2013

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Program: Regulatory and Administration			Reporting Level: 00-401-100-00-00-00-00000000			
Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds

Base Budget Changes**One Time Budget Changes**

A-E 2 Remove one time budget item		0.00	0	0	(195,000)	(195,000)
Total One Time Budget Changes		0.00	0	0	(195,000)	(195,000)

Ongoing Budget Changes

A-A 1 Operating Expenses Base Budget		0.00	0	6,098	13,902	20,000
Base Payroll Change		0.00	0	170,355	(140,896)	29,459
Total Ongoing Budget Changes		0.00	0	176,453	(126,994)	49,459
Total Base Budget Changes		0.00	0	176,453	(321,994)	(145,541)

Optional Budget Changes**Ongoing Optional Changes**

A-C 3 Health care reform	1	9.00	0	2,000,000	995,021	2,995,021
Total Ongoing Optional Changes		9.00	0	2,000,000	995,021	2,995,021
Total Optional Budget Changes		9.00	0	2,000,000	995,021	2,995,021